UNITED
NATIONS

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General Assembly

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A/RES/52/26*
2 March 1998

Fifty-second session
Agenda item 39 (*a*)

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[*without reference to a Main Committee (A/52/L.26 and Add.1)*]

52/26. Oceans and the law of the sea

The General Assembly,

Recalling its resolutions 49/28 of 6 December 1994, 50/23 of 5 December 1995 and 51/34 of 9 December 1996 adopted subsequent to the entry into force of the United Nations Convention on the Law of the Sea[1] on 16 November 1994,

Emphasizing the universal character of the Convention and its fundamental importance for the maintenance and strengthening of international peace and security, as well as for the sustainable use and development of the seas and oceans and their resources,

Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole,

Conscious also of the strategic importance of the Convention as a framework for national, regional and global action in the marine sector, as recognized also by the United Nations Conference on Environment and Development in chapter 17 of Agenda 21,[2]

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* Reissued for technical reasons.

[1] *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

[2] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions Adopted by the Conference*, resolution 1, annex II.

Recalling its resolution S-19/2 of 28 June 1997, to which is annexed the Programme for the Further Implementation of Agenda 21, in particular paragraph 36 thereof dealing with oceans and seas, as well as its decision that oceans and seas will be the sectoral theme discussed at the seventh session of the Commission on Sustainable Development in 1999,

Recalling also its resolution 49/131 of 19 December 1994 on the International Year of the Ocean,

Considering that, in its resolution 2749 (XXV) of 17 December 1970, it proclaimed that the seabed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction ("the Area"), as well as the resources of the Area, are the common heritage of mankind, and considering also that the Convention, together with the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 ("the Agreement"),[3] provides the regime to be applied to the Area and its resources,

Noting with satisfaction the increase in the number of States parties to the Convention and the Agreement,

Aware of the importance of the effective implementation of the Convention and its uniform and consistent application, as well as of the growing need to promote and facilitate international cooperation on the law of the sea and ocean affairs at the global, regional and subregional levels,

Recognizing the impact on States of the entry into force of the Convention and the increasing need, particularly of developing States, for advice and assistance in its implementation in order to benefit thereunder,

Recalling the provisions of Part XV of the Convention establishing a comprehensive dispute settlement system and article 287 regarding the choice of means for the settlement of disputes,

Recalling also the establishment of the International Tribunal for the Law of the Sea ("the Tribunal")[4] in accordance with Annex VI to the Convention as a new means for the settlement of disputes concerning the interpretation or application of the Convention and the Agreement,

Welcoming the establishment of the Commission on the Limits of the Continental Shelf ("the Commission") during the sixth Meeting of States Parties to the Convention,[5]

Noting the progress in the work of the Commission during its first[6] and second[7] sessions, held in June and September 1997, on developing its rules of procedure and its modus operandi,

Recalling that the institutions established by the Convention shall be cost-effective,

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[3] Resolution 48/263, annex.

[4] SPLOS/14, chap. III.

[5] SPLOS/20, chap. III.

[6] CLCS/1.

[7] CLCS/4.

Expressing its appreciation once again to the Secretary-General for his efforts in support of the Convention and in its effective implementation, including providing assistance in the functioning of the institutions created by the Convention,

Noting the responsibilities of the Secretary-General under the Convention and related resolutions of the General Assembly, in particular resolution 49/28, and emphasizing the importance of the performance of such responsibilities for the effective and consistent implementation of the Convention,

Recalling its resolution 50/214 of 23 December 1995, in which it decided that savings in the programme budget would not affect the full implementation of mandated programmes and activities,

Noting with appreciation the continued efforts of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat to provide timely information on the oceans, marine affairs and the law of the sea through its Web site on the Internet,

Conscious of the need to promote and facilitate international cooperation, especially at the subregional and regional levels, in order to ensure the orderly and sustainable development of the uses and resources of the seas and oceans,

Taking note of the report of the Secretary-General,[8] and reaffirming the importance of the annual consideration and review by the General Assembly of the overall developments pertaining to the implementation of the Convention, as well as of other developments relating to the law of the sea and ocean affairs,

1. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention and the Agreement;

2. *Calls upon* States to harmonize their national legislation with the provisions of the Convention, to ensure the consistent application of those provisions and to ensure also that any declarations or statements that they have made or make when signing, ratifying or acceding are in conformity with the Convention and to withdraw any of their declarations or statements that are not in conformity;

3. *Reaffirms* the unified character of the Convention;

4. *Requests* the Secretary-General to convene the Meeting of States Parties to the Convention from 18 to 22 May 1998;

5. *Approves* the convening by the Secretary-General of the third and fourth sessions of the Commission, to be held from 4 to 15 May and 31 August to 4 September 1998 respectively;

6. *Notes with satisfaction* the progress in the work of the International Seabed Authority, in particular the approval, during the third session of the Authority in 1997, of seven plans of work for exploration in the Area, and the progress being made by the Legal and Technical Commission towards the formulation of a draft mining code;

7. *Notes with appreciation* the adoption of the Agreement on the Privileges and Immunities of the Tribunal, the progress made towards the conclusion of a headquarters agreement between the Tribunal and

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[8] A/52/487.

Germany and the adoption by the Tribunal of the Rules of the Tribunal, the resolution on internal judicial practice and the guidelines for the preparation and presentation of cases before the tribunal;

8. *Encourages* States parties to the Convention to consider making a written declaration choosing from the means set out in article 287 of the Convention for the settlement of disputes concerning the interpretation or application of the Convention and the Agreement, and invites States to note the provisions of Annexes V, VI, VII and VIII to the Convention concerning, respectively, conciliation, the Tribunal, arbitration and special arbitration;

9. *Expresses its appreciation* to the Secretary-General for the annual comprehensive report on the law of the sea[8] and the activities of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat, in accordance with the provisions of the Convention and the mandate set forth in resolution 49/28;

10. *Requests* the Secretary-General to ensure that the institutional capacity of the Organization adequately responds to the needs of States, the newly established institutions (including the International Seabed Authority and the Tribunal) and other competent international organizations by providing advice and assistance, taking into account the special needs of developing countries;

11. *Also requests* the Secretary-General to continue to carry out the responsibilities entrusted to him in the Convention and related resolutions of the General Assembly and to ensure that the performance of such activities is not adversely affected by savings as may be realized under the approved budget for the Organization; these activities include, *inter alia*:

(*a*) Preparing annually a comprehensive report for the consideration of the General Assembly on developments relating to ocean affairs and the law of the sea;

(*b*) Preparing periodically special reports on specific topics such as fisheries, transit problems of the landlocked developing States or other topics of current interest, including those requested by intergovernmental conferences and bodies, taking into account the provisions of the Convention;

(*c*) Developing and maintaining the appropriate facilities for the deposit by States of charts and geographical coordinates concerning maritime zones, including lines of delimitation, and to give due publicity thereto, as required by article 16, paragraph 2, article 47, paragraph 9, article 75, paragraph 2, article 76, paragraph 9 and article 84, paragraph 2, of the Convention;

(*d*) Strengthening the existing system for the collection, compilation and dissemination of information on ocean affairs and the law of the sea and, in cooperation with the relevant international organizations, furthering the development of a centralized system for providing coordinated information and advice;

(*e*) Undertaking efforts to promote better understanding of the Convention and the Agreement in order to ensure their effective implementation;

(*f*) Ensuring appropriate responses to requests of States, in particular developing States, for advice and assistance in implementing the provisions of the Convention and the Agreement;

(*g*) Preparing for and convening the Meetings of States Parties to the Convention and providing the necessary services for such meetings, in accordance with the Convention;

(*h*) Preparing for and convening the meetings of the Commission and providing it with the necessary services in accordance with the Convention;

(*i*) Strengthening training activities in ocean and coastal area management and development;

12. *Reaffirms* the importance of ensuring the uniform and consistent application of the Convention and a coordinated approach to its overall implementation, and of strengthening technical cooperation and financial assistance for this purpose, stresses once again the continuing importance of the efforts of the Secretary-General to these ends, and reiterates its invitation to the competent international organizations and other international bodies to support these objectives;

13. *Invites* Member States and others in a position to do so to contribute to the further development of the Hamilton Shirley Amerasinghe Memorial Fellowship Programme on the Law of the Sea and of the training and educational activities on the law of the sea and ocean affairs established by the General Assembly in resolution 35/116 of 10 December 1980, as well as advisory services and assistance in support of effective implementation of the Convention;

14. *Calls upon* States to implement its resolution 51/189 of 16 December 1996 and to strengthen the implementation of existing international and regional agreements on marine pollution;

15. *Also calls upon* States to take actions, individually or collectively and through their participation in competent global, regional, and subregional forums, to improve the quality and quantity of scientific data as a basis for effective decisions related to protection of the marine environment and the conservation of living marine resources;

16. *Notes* that it proclaimed the year 1998 as the International Year of the Ocean;

17. *Reaffirms* its decision to undertake an annual review and evaluation of the implementation of the Convention and other developments relating to ocean affairs and the law of the sea;

18. *Requests* the Secretary-General to report to the General Assembly at its fifty-third session on the implementation of the present resolution, including other developments and issues relating to ocean affairs and the law of the sea, in connection with his annual comprehensive report on oceans and the law of the sea, and to circulate the report sufficiently in advance of consideration by the General Assembly of the item concerning oceans and the law of the sea;

19. *Decides* to include in the provisional agenda of its fifty-third session the item entitled "Oceans and the law of the sea".

57th plenary meeting
26 November 1997

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A/RES/52/27
26 January 1997

Fifty-second session
Agenda item 39 (*a*)

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[*without refernce to a Main Committee (A/52/L.27 and Add.1)*]

52/27. Agreement concerning the Relationship between the United Nations and the International Seabed Authority

The General Assembly,

Recalling its resolution 51/34 of 9 December 1996, in which, *inter alia*, it invited the Secretary-General to take steps to conclude a relationship agreement with the International Seabed Authority, to be applied provisionally pending its approval by the General Assembly and the Assembly of the Authority,

Noting the decision of the Assembly of the International Seabed Authority at its third session[1] to approve the Agreement concerning the Relationship between the United Nations and the International Seabed Authority signed on 14 March 1997 by the Secretary-General of the United Nations and the Secretary-General of the International Seabed Authority,

Having considered the Agreement concerning the Relationship between the United Nations and the International Seabed Authority,[2]

Approves the Agreement, which is annexed to the present resolution.

57th plenary meeting
26 November 1997

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[1] ISBA/3/A/3.

[2] A/52/260, annex.

ANNEX

Agreement concerning the Relationship between the United Nations and the International Seabed Authority

The United Nations and the International Seabed Authority,

Bearing in mind that the General Assembly of the United Nations in its resolution 3067 (XXVIII) of 16 November 1973 decided to convene the Third United Nations Conference on the Law of the Sea for the adoption of a convention dealing with all matters relating to the law of the sea and that the Conference adopted the United Nations Convention on the Law of the Sea, which, *inter alia*, establishes the International Seabed Authority,

Recalling that the General Assembly of the United Nations in its resolution 48/263 of 28 July 1994 adopted the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982,

Mindful of the entry into force of the United Nations Convention on the Law of the Sea on 16 November 1994 and the entry into force of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 on 28 July 1996,

Noting General Assembly resolution 51/6 of 24 October 1996 inviting the International Seabed Authority to participate in the deliberations of the General Assembly in the capacity of observer,

Noting also article 162, paragraph 2 (*f*), of the United Nations Convention on the Law of the Sea of 10 December 1982, General Assembly resolution 51/34 of 9 December 1996 and decision ISBA/C/10 of 12 August 1996 of the Council of the International Seabed Authority calling for the conclusion of a relationship agreement between the United Nations and the International Seabed Authority,

Desiring to make provision for an effective system of mutually beneficial relationships whereby the discharge of their respective responsibilities may be facilitated,

Taking into account for this purpose the provisions of the Charter of the United Nations, the provisions of the United Nations Convention on the Law of the Sea and the provisions of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982,

Have agreed as follows:

Article 1

Purpose of the Agreement

This Agreement, which is entered into by the United Nations and the International Seabed Authority (hereinafter referred to as "the Authority"), pursuant to the provisions of the Charter of the United Nations (hereinafter referred to as "the Charter") and the provisions of the United Nations Convention on the Law of the Sea (hereinafter referred to as "the Convention") and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (hereinafter referred to as "the Agreement") respectively, is intended to define the terms on which the United Nations and the Authority shall be brought into relationship.

Article 2

Principles

1. The United Nations recognizes the Authority as the organization through which States parties to the Convention shall, in accordance with Part XI of the Convention and the Agreement, organize and control activities in the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction (hereinafter referred to as "the Area"), in particular with a view to administering the resources of the Area. The United Nations undertakes to conduct its activities in such a manner as to promote the legal order for the seas and oceans established by the Convention and the Agreement.

2. The United Nations recognizes that the Authority, by virtue of the Convention and the Agreement, shall function as an autonomous international organization in the working relationship with the United Nations established by this Agreement.

3. The Authority recognizes the responsibilities of the United Nations under the Charter and other international instruments, in particular in the fields of international peace and security and economic, social, cultural and humanitarian development and protection and preservation of the environment.

4. The Authority undertakes to conduct its activities in accordance with the purposes and principles of the Charter to promote peace and international cooperation and in conformity with the policies of the United Nations furthering these purposes and principles.

Article 3

Cooperation and coordination

1. The United Nations and the Authority recognize the desirability of achieving effective coordination of the activities of the Authority with those of the United Nations and the specialized agencies, and of avoiding unnecessary duplication of activities.

2. The United Nations and the Authority agree that, with a view to facilitating the effective discharge of their respective responsibilities, they will cooperate closely with each other and consult each other on matters of mutual interest.

Article 4

Assistance to the Security Council

1. The Authority shall cooperate with the Security Council by providing to it at its request such information and assistance as may be required in the exercise of its responsibility for the maintenance or restoration of international peace and security. In case confidential information is provided, the Security Council shall preserve its confidential character.

2. At the invitation of the Security Council, the Secretary-General of the Authority may attend its meetings to supply it with information or give it other assistance with regard to matters within the competence of the Authority.

Article 5

International Court of Justice

The Authority agrees, subject to the provisions of this Agreement relating to the safeguarding of confidential material, data and information, to provide any information that may be requested by the International Court of Justice in accordance with the Statute of that Court.

Article 6

Reciprocal representation

1. Without prejudice to the decision of the General Assembly in its resolution 51/6 of 24 October 1996 granting observer status to the Authority, and subject to such decisions as may be taken concerning the attendance of their meetings by observers, the United Nations shall, subject to the rules of procedure and practice of the bodies concerned, invite the Authority to send representatives to meetings and conferences of other competent bodies, whenever matters of interest to the Authority are discussed.

2. Subject to such decisions as may be taken by its competent bodies concerning the attendance of their meetings by observers, the Authority shall, subject to the rules of procedure and practice of the bodies concerned, invite the United Nations to send representatives to all its meetings and conferences, whenever matters of interest to the United Nations are discussed.

3. Written statements submitted by the United Nations to the Authority for distribution shall be distributed by the secretariat of the Authority to all members of the appropriate organ or organs of the Authority in accordance with the relevant rules of procedure. Written statements presented by the Authority to the United Nations for distribution shall be distributed by the Secretariat of the United Nations to all members of the appropriate organ or organs of the United Nations in accordance with the relevant rules of procedure. Such written statements will be circulated in the quantities and languages in which they are made available to the respective secretariat.

Article 7

Cooperation between the two secretariats

The Secretary-General of the United Nations and the Secretary-General of the Authority shall consult from time to time regarding the implementation of their respective responsibilities under the Convention and the Agreement. They shall consult, in particular, regarding such administrative arrangements as may be necessary to enable the two organizations effectively to carry out their functions and to ensure effective cooperation and liaison between their secretariats.

Article 8

Exchange of information, data and documents

1. The United Nations and the Authority shall arrange for the exchange of information, publications and reports of mutual interest.

2. In fulfilment of the responsibilities entrusted to him under article 319, subparagraphs 2 (*a*) and (*b*) of the Convention and assumed by him pursuant to General Assembly resolution 37/66 of 3 December 1982,

the Secretary-General of the United Nations shall report to the Authority from time to time on issues of a general nature that have arisen with respect to the Convention and shall regularly notify the Authority of ratifications and formal confirmations of and accessions to the Convention and amendments thereto, as well as of denunciations of the Convention.

3. The United Nations and the Authority shall cooperate in obtaining from States parties to the Convention copies of charts or lists of geographical coordinates of the outer limit lines of their continental shelf as referred to in article 84 of the Convention. They will exchange copies of such lists of coordinates or, to the extent practicable, charts.

4. Where the outer limits of the national jurisdiction of a State party are defined by the outer limit of the exclusive economic zone, the United Nations shall provide to the Authority copies of such lists of geographical coordinates or, to the extent practicable, charts, indicating the outer limit lines of the exclusive economic zone of such State party as may be deposited with the Secretary-General of the United Nations pursuant to article 75, paragraph 2, of the Convention.

5. The Authority, to the extent practicable, shall furnish special studies or information requested by the United Nations. The submission of such reports, studies and information shall be subject to conditions set forth in article 14.

6. The United Nations and the Authority are subject to necessary limitations for the safeguarding of confidential material, data and information furnished to them by their members or others. Subject to article 4, paragraph 1, nothing in this Agreement shall be construed to require either the United Nations or the Authority to furnish any material, data and information the furnishing of which could, in its judgement, constitute a violation of the confidence of any of its members or anyone from whom it shall have received such information, or which would otherwise interfere with the orderly conduct of its operation.

Article 9

Statistical services

The United Nations and the Authority, recognizing the desirability of maximum cooperation in the statistical field and of minimizing the burdens placed on Governments and other organizations from which information may be collected, undertake to avoid undesirable duplication between them with respect to the collection, analysis and publication of statistics, and agree to consult with each other on the most efficient use of resources and of technical personnel in the field of statistics.

Article 10

Technical assistance

The United Nations and the Authority undertake to work together in the provision of technical assistance in the fields of marine scientific research in the Area, transfer of technology and the prevention, reduction and control of pollution of the marine environment from activities in the Area. In particular, they agree to take such measures as may be necessary to achieve effective coordination of their technical assistance activities within the framework of existing coordinating machinery in the field of technical assistance, taking into account the respective roles and responsibilities of the United Nations and the Authority under their constitutive instruments, as well as those of other organizations participating in technical assistance activities.

Article 11

Personnel arrangements

1. The United Nations and the Authority agree to apply, in the interests of uniform standards of international employment and to the extent feasible, common personnel standards, methods and arrangements designed to avoid unjustified differences in terms and conditions of employment and to facilitate interchange of personnel in order to obtain the maximum benefit from their services.

2. To this end, the United Nations and the Authority agree:

(*a*) To consult together from time to time concerning matters of common interest relating to the terms and conditions of employment of the officers and staff, with a view to securing as much uniformity in these matters as may be feasible;

(*b*) To cooperate in the interchange of personnel when desirable, on a temporary or a permanent basis, making due provision for the retention of seniority and pension rights;

(*c*) To cooperate in the establishment and operation of suitable machinery for the settlement of disputes arising in connection with the employment of personnel and related matters.

3. Pursuant to decision ISBA/A/15 of 15 August 1996 of the Assembly of the International Seabed Authority, and upon the approval of the General Assembly of the United Nations, the Authority shall participate in the United Nations Joint Staff Pension Fund in accordance with the Regulations of the Fund and shall accept the jurisdiction of the United Nations Administrative Tribunal in matters involving applications alleging non-observance of those Regulations.

4. The terms and conditions on which any facilities or services of the Authority or the United Nations in connection with the matters referred to in this article are to be extended to the other shall, where necessary, be the subject of supplementary arrangements concluded for this purpose.

Article 12

Conference services

1. Unless the General Assembly of the United Nations, after giving reasonable notice to the Authority, decides otherwise, the United Nations will make available to the Authority, on a reimbursable basis, such facilities and services as may be required for the meetings of the Authority, including translation and interpretation services, documentation and conference services.

2. The terms and conditions on which any facilities or services of the United Nations in connection with the matters referred to in this article may be extended to the Authority shall, where necessary, be the subject of separate arrangements concluded for this purpose.

Article 13

Budgetary and financial matters

The Authority recognizes the desirability of establishing close budgetary and financial cooperation with the United Nations aimed at benefiting from the experience of the United Nations in this field.

Article 14

Financing of services

The costs and expenses resulting from the provision of services pursuant to this Agreement shall be the subject of separate arrangements between the Authority and the United Nations.

Article 15

United Nations laissez-passer

Without prejudice to the right of the Authority to issue its own travel documents, officials of the Authority shall be entitled, in accordance with such special arrangements as may be concluded between the Secretary-General of the United Nations and the Secretary-General of the Authority, to use the laissez-passer of the United Nations as a valid travel document where such use is recognized under the Protocol on the Privileges and Immunities of the International Seabed Authority or other agreements defining the privileges and immunities of the Authority.

Article 16

Implementation of the Agreement

The Secretary-General of the United Nations and the Secretary-General of the Authority may enter into such supplementary arrangements for the implementation of this Agreement as may be found desirable.

Article 17

Amendments

This Agreement may be amended by agreement between the United Nations and the Authority. Any such amendment agreed upon shall enter into force on its approval by the General Assembly of the United Nations and the Assembly of the Authority.

Article 18

Entry into force

1. This Agreement shall enter into force on its approval by the General Assembly of the United Nations and the Assembly of the Authority.

2. This Agreement shall be applied provisionally by the United Nations and the Authority upon signature by the Secretary-General of the United Nations and the Secretary-General of the Authority.

IN WITNESS THEREOF the undersigned, being duly authorized representatives of the United Nations and the International Seabed Authority, have signed the present agreement.

SIGNED this 14th day of March 1997 at New York in two originals in the English language.

For the United Nations:

(*Signed*) Kofi A. ANNAN
Secretary-General

For the International Seabed Authority

(*Signed*) Satya N. NANDAN
Secretary-General